

Remarks

A. Restriction Requirement

The Restriction Requirement requests Applicants to elect between five Groups of claims drawn to allegedly distinct inventions:

Group I (Claims 1-9) - allegedly drawn to a composition comprising a therapeutic agent, 90-yttrium phosphate, a therapeutic agent carrier, fibrin, and a stimulus sensitive gelling polymer, and one of a thermogelling, biodegradable polymer of a PEG-polyester block or biocompatible polymer block-biodegradable polypeptide block.

Group II (Claims 10-18) - allegedly drawn to a composition comprising a therapeutic agent, 90-yttrium phosphate and a therapeutic agent carrier, a thermogelling, biodegradable polymer of a PEG-polyester block.

Group III (Claims 19-25) – allegedly drawn to a composition comprising a therapeutic agent, 90-yttrium phosphate and a therapeutic agent carrier of a thermogelling, biodegradable polymer, such as a biocompatible polymer block-biodegradable polypeptide block.

Group IV (Claims 26-34) – allegedly drawn to a method of making a therapeutic agent carrier comprising a stimulus-sensitive gelling polymer, fibrin or a combination and a therapeutic agent, 90-yttrium phosphate.

Group V (Claim 35) – allegedly drawn to a method of treating cancer in a subject with a therapeutic agent carrier comprising therapeutic agent carrier comprising a stimulus-sensitive gelling polymer, fibrin or a combination and a therapeutic agent, 90-yttrium phosphate.

Applicants have provisionally elected Group III.

B. Species Election

The Restriction Requirement on page 7 requests Applicants to elects a species for initial examination from the alleged species: a) “a PEG-polyester block,” and b) “a biocompatible polymer block-biodegradeable polypeptide block.” Applicants have elected the alleged species “a biocompatible polymer block-biodegradeable polypeptide block.” Of the Claims elected for prosecution in this application in response to the Restriction Requirement, Claims 19-25 read on

the elected species. Applicants reserve the right to have additional species examined upon allowance of a generic claim.

C. Notification of Continuation of a Patent Application Disclosed in Applicants' Prior Information Disclosure Statement

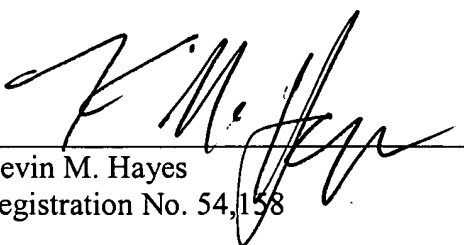
Applicants bring to the Examiner's attention publication of U.S. Application No. 10/910,696 by Filler et al. (US20050002860 – published Jan. 6, 2005). This publication identifies Application No. 10/910,696 as being a continuation of U.S. Application No. 10/015,162 by Filler et al. (Publication No. US20020168319 – published Nov. 14, 2002), which Applicants already disclosed on page 3 of their Information Disclosure Statement dated December 23, 2004.

The Examiner is invited to telephone the undersigned at the number listed below if the Examiner believes that any discussion of this matter would be helpful.

Respectfully submitted,

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